

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: April 5, 2017

I. CALL MEETING TO ORDER

The meeting was called to order at 7:15 P.M.

II. ROLL CALL

Members Present: Ken Baptiste, Chairman (Arrived at 7:03 P.M.)
Sandy Slavin
Joe Leggett
Elissa Heard
Mary Taggart
Jim Smith
Robert Lasson, Associate Member
Dave Pichette, Agent

Members Absent: Elizabeth Lydon
Mark Carboni, Associate Member
Donald Rogers, Associate Member

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: March 15, 2017.

MOTION: Ms. Slavin moved to approve the meeting minutes of March 15, 2017. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

IV. PUBLIC HEARINGS

A. RDA – Sharon Baptiste, c/o Benjamin Baptiste

Present before the Commission: Ben Baptiste

NOTE: Mr. Baptiste recused himself from the hearing since the applicant is a relative of his.

A site inspection was made at 21 Avenue A in the Oakdale area. The project involves the construction of a garage within a coastal flood zone. A 28x32' garage addition is proposed within coastal flood zone AE, el. 14. The project is not within the buffer zone to any other resource areas. There are no grade changes proposed. The work area is currently yard/lawn area. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

Mr. Ben Baptiste stated he would like to leave the garage detached, about 40 feet from the house, with the same square footage.

MOTION: Mr. Leggett moved to close the public hearing for Sharon Baptiste. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant a Negative #2 Determination for Sharon Baptiste. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

NOTE: Mr. Baptiste returned to the table at this time.

B. NOI – Ellis & Jennifer Bailey, c/o G.A.F. Engineering, Inc. – SE76-2430

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.
Ellis & Jennifer Bailey

A site inspection was made at 31 Crab Cove Terrace in the Parkwood area. The project involves the construction of a retaining wall within a coastal bank, within a coastal flood zone and in the buffer zone to a coastal beach and to salt marsh. Other proposed work in the buffer zone to the coastal bank includes, the installation of a roof drywells, replacing an existing deck, retaining wall, steps, the relocation of an existing shed, site grading, and the construction of a new driveway. The property has a significantly steep coastal bank and the project proposes to construct a concrete block retaining wall within the bank to provide long term stability. The 2'x3' concrete blocks would be used for the project. It is proposed to build the wall halfway up the bank and then backfill over the coastal bank to create more level area on the property. It is also proposed to remove any material below the wall to make the area below the wall more level with the beach. The coastal bank and a portion of the property appears to be fill. Silt fence is proposed between the work and the edge of the marsh.

Mr. Pichette recommended the project not be constructed in the manner proposed, but instead build the retaining wall at the top of the coastal bank. This way the area, which appears to be mostly filled land, will not be further filled to create additional filled land. All the fill material that will be below the wall will have to be removed either way, as it is all foreign material consisting of concrete blocks, bricks, stone, wood, etc. Part of the work area appears to be on Parkwood Beach Association property. Mr. Pichette asked if the applicant has received approval from the Parkwood Beach Association. A shed that is just currently off the property line will be relocated as shown to be on the property on sono tubes. An existing deck is to be removed and re-constructed and drywells are proposed in the location shown. Mr. Pichette asked if these should be shifted any further from the coastal bank. A separate retaining wall made of 8" concrete block on the front side of the house is to be constructed and leveled off. A new concrete driveway is proposed between the house and the road. This is still partially within the

buffer zone to the top of the coastal bank. A DEP file # has been received. Mr. Pichette recommended a continuance of the hearing for a revised plan to address the location of the main retaining wall.

Mr. Madden stated that based on the site inspection, they were going to make a modification to the plan to provide access to the Parkwood Beach Association property. He stated a portion of the wall will remain where it is and another portion will be moved back four feet. He added if the contour lines are reviewed on the plan, the fill extends four to five feet beyond the toe of the wall. The fill material will be removed and the beach surface will be restored. He feels they meet the performance standards for a coastal bank.

Ms. Slavin asked how the debris that is currently out there will be removed. Mr. Madden stated the debris will have to be moved by hand into a dune buggy or something of the like then into a truck.

Present before the Commission: Sharon Elder, President Parkwood Beach Association

Ms. Elder stated the Association does not have any concerns with the project.

MOTION: Ms. Slavin moved to continue the public hearing for Ellis & Jennifer Bailey to April 19, 2017 for revised plans. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Charlotte Furnace, LLC, c/o Green Seal Environmental, Inc.

Present before the Commission: Jose Pichado, Green Seal Environmental

A site inspection was made at Lot 2 on Map 105 off Charlotte Furnace Road. This request is being filed with the Commission to verify that the project is not within the jurisdiction of the Conservation Commission. Such a determination is required as part of the Planning Board requirements. The proposed project involves the construction of six commercial buildings within the BDOD Zone off of Charlotte Furnace Road. The site is six acres in size. Alterations also include surrounding grading, drainage, and driveways. The proposed project is not within the jurisdiction of the Commission. The site is within the estimated habitat of rare and endangered species so the applicant will have to file directly with Natural Heritage (NHESP) for their review. Mr. Pichette recommended the issuance of a Negative Determination #4 & #6 and further, that the project is not subject to protection under the Wetlands Protection Act or the Town Wetland Protective By-law.

MOTION: Ms. Slavin moved to close the public hearing for Charlotte Furnace, LLC. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Slavin moved to grant a Negative Determination #4 & #6 for Charlotte Furnace, LLC and further, the Commission believes this project does not fall under Conservation Commission jurisdiction. Mr. Smith seconded.

VOTE: Unanimous (6-0-0)

B. NOI – Frank Adrean, Nanumett Shores Improvement Association, c/o G.A.F. Engineering, Inc. – SE76-2413

MOTION: Ms. Heard moved to continue the public hearing for Frank Adrean, Nanumett Shores Improvement Association to April 19, 2017. Mr. Leggett seconded.

VOTE: Unanimous (6-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

A. Ralph Amadeo – 110 Sandwich Road

Mr. Pichette stated work was done at 110 Sandwich Road to alter the coastal bank with no permits were given by the Commission. Mr. Amadeo has not come before the Commission and continues to maintain the alteration.

MOTION: Mr. Leggett moved to issue a \$300.00 fine via Constable to Mr. Amadeo for the un-permitted work done at 110 Sandwich Road. Ms. Slavin seconded.

VOTE: Unanimous (6-0-0)

VIII. CERTIFICATES OF COMPLIANCE

A. Emerson Hasbrouck – 1 Cleveland Way

The Certificate of Compliance was voted for approval at the last hearing.

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Robert Perry – Squirrel Island Road – SolBright Solar – Violation

Present before the Commission: Mike Herrington, SolBright Solar
Dave Stanley, Solar Express
Robert Perry, Owner

There was a violation on the solar project at Squirrel Island Road. Stock piles of boulders and trees stacked outside of the limit of work on the site. Also, there was tree cutting outside of the approved limit of work for the site. Mr. Herrington stated some of the log links and piles of boulders were pre-existing. Mr. Pichette asked why the stones were placed outside of the limit of work. Mr. Herrington stated this was a previous project managed before him that this was done under. Mr. Perry stated there was a previous project manager on the site that had done the work. Mr. Stanley stated he did not believe they were doing anything wrong by adding to the rock pile. He was unaware that they were not allowed to stockpile outside of the limit of work.

Mr. Pichette asked when the work will be done. Mr. Stanley stated at the beginning of May. He stated trucks will be in and out of the site for work. He requested to remove the rocks and timber in May. Mr. Pichette stated this is a violation and he feels the rocks and timber should be moved sooner. Ms. Slavin concurred with Mr. Stanley that the work should all be done at once and once the property is drier to prevent further disturbance.

MOTION: Mr. Leggett moved to require the stones and timber be cleaned by the third week of May and to impose a fine of \$150.00 for Robert Perry – Squirrel Island Road. Ms. Slavin seconded.

VOTE: Unanimous (6-0-0)

- B. Discussion: Nitrogen Conditions**
- C. Discussion: Vacation Time**
- D. Discussion: Conservation Restriction/Stewardship**
- E. Discussion: Bills**
- F. Discussion: Appointments**

X. ADJOURNMENT

MOTION: Ms. Slavin moved to adjourn the meeting. Ms. Lydon seconded.

VOTE: Unanimous (6-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____